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U.S. Patent Application Serial No. 10/735,619  
Response to OA dated October 23, 2007**REMARKS**

Claim 1 has been amended in order to more particularly point out, and distinctly claim the subject matter which the Applicant regards as the invention. Claims 1-5 have been amended to remove the means -plus- function form. The Applicant respectfully submits that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated October 23, 2007.

**CLAIM REJECTIONS UNDER 35 U.S.C. § 103:**

In the Office Action, Claims 1-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. Patent No. 6,266,481) in view of Baese et al. (U.S. Published Application No. 2002/0040477). Reconsideration and removal of this rejection are respectfully requested in view of the present claim amendments and the following remarks.

The Office Action alleges that Lee et al. teaches an apparatus having a receiving means for receiving waves of television broadcast (10), receiving state detection means (11), judging means for judging whether the recording is permitted based on a detected result of the receiving state detecting means (13), and notifying means for notifying the user. The Office Action further alleges that Baese et al. disclose a portable television [0002].

It is respectfully submitted that in Lee et al., the "judging" is based on authorization data associated with the program of the device. In the present invention, the "judging" is based on the

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reception level of the television broadcast wave, as taught beginning at page 7, line 22 of the specification.

Applicant has amended Claim 1 to more clearly define the claimed invention, so as to better distinguish over the cited prior art, in particular, the basis for not permitting recording.

In view of the amendment to Claim 1, and the above remarks, removal of this rejection is respectfully requested.

In the Office Action, Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. in view of Baese et al. and further in view of Matsugami (U.S. Published Application No. 2003/0099462). Reconsideration and removal of this rejection is respectfully requested in view of the present amendments to the claims and the following remarks.

Claim 5 depends from Claim 1 which is discussed above. In view of the remarks above regarding Claim 1, removal of this rejection is respectfully requested.

In view of the aforementioned amendments and accompanying remarks, Claims 1-5, as amended, are believed to be patentable and in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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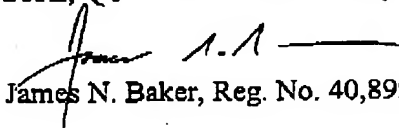
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In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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